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18 **UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF NEVADA**
20

21 JAMES V. DEPPOLETO JR.,
22 Plaintiff,

23 v.

24 TAKEOVER INDUSTRIES
25 INCORPORATED,
26 Defendant.
27
28

CASE NO. 2:22-cv-2013

REPORT OF THE PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f), Plaintiff, James V. Deppoleto ("Mr. Deppoleto" or "Plaintiff"), by and through his undersigned counsel, and Defendant, Takeover Industries Incorporated ("Takeover" or "Defendant"),¹ by and through its undersigned counsel, hereby submit this *Report of the Parties' Planning Meeting* and agree as follows based on the meeting of the Parties, which took place on August 9, 2023, in accordance with Fed. R. Civ. P. 26:

1. **Pre-discovery Disclosures:** As required by Fed. R. Civ. P. 26(a)(1), the Parties will exchange initial disclosures on or before August 30, 2023.

2. **Discovery Plan:**

a. The parties anticipate needing discovery on Plaintiff's claims, and Defendant's affirmative defenses.

b. All fact discovery will be completed by December 31, 2023.

c. Reports from retained experts of either party under Fed. R. Civ. P. 26(a)(2) are due on or before January 31, 2024, and reports of rebuttal experts shall be on due on March 1, 2024. All expert depositions shall be completed by March 31, 2024.

3. **Other Items:**

a. A Scheduling Conference is currently set for _____ at _____ a.m.

b. The Parties should be allowed until August 30, 2023, to file a motion to join additional parties and amend their pleadings, if necessary.

c. All potentially dispositive motions should be filed on or before April 15, 2024.

d. Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3)(B) are due 30 days before trial. Within 14 days after they are made, the Parties shall file objections, if any.

e. Motions *in limine* shall be filed no later than 45 days before trial.

f. All other deadlines not set forth herein shall be governed by the applicable

¹ Defendant and Plaintiff may be referred to as the "Parties."

1 Local Rules.

2 g. The Parties will be ready for trial by June 3, 2024. At this time, trial is
3 expected to take two days.

4 h. The Parties may stipulate to amend any of the dates herein.

5
6 DATED this 22nd day of September, 2023.

DATED this 22nd day of September, 2023.

7 **HUSCH BLACKWELL LLP**

ALVERSON TAYLOR & SANDERS

8 /s/ Jennifer E. Hoekel

/s/ Kurt R. Bonds

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Attorneys for Plaintiff

23 *James V. Deppoleto Jr.*

CERTIFICATE OF SERVICE

1. On September 22, 2023, I served the following document(s): **REPORT OF PARTIES' PLANNING MEETING.**

2. I served the above document(s) by the following means to the persons as listed below:

☒ a. ECF System:

KURT R. BONDS on behalf of Defendant Takeover Industries Incorporated
efile@alversontaylor.com

☐ b. United States mail, postage fully prepaid:

☐ c. Personal Service:

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System):
Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission:

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to

1 the persons at the addresses listed below and providing them to a messenger for
2 service.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Dated: September 22, 2023.

By: /s/ Jennifer E. Hoekel